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Département à  
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Am	Sg	W	Da	Hi	HP	ME	TW	JH	KB
13. MAI 2003									
CS	K								

Datum/Date  
13.05.03

Zeichen/Ref./Réf. 022089ep/JH/be	Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°. 02018025.3-1222-
Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire Schuler, Gerold	

## COMMUNICATION

The European Patent Office herewith transmits as an enclosure the European search report for the above-mentioned European patent application.

If applicable, copies of the documents cited in the European search report are attached.

☒ Additional set(s) of copies of the documents cited in the European search report is (are) enclosed as well.

The following specifications given by the applicant have been approved by the Search Division:

☒ abstract ☐ title

☐ The abstract was modified by the Search Division and the definitive text is attached to this communication.

The following figure will be published together with the abstract: NONE

## REFUND OF THE SEARCH FEE

If applicable under Article 10 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.







European Patent  
Office

# PARTIAL EUROPEAN SEARCH REPORT

Application Number

which under Rule 45 of the European Patent Convention shall be considered, for the purposes of subsequent proceedings, as the European search report

EP 02 01 8025

DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
X	DIECKMANN D ET AL: "Human CD4(+)CD25(+) regulatory, contact-dependent T cells induce interleukin 10-producing, contact-independent type 1-like regulatory T cells" THE JOURNAL OF EXPERIMENTAL MEDICINE, vol. 196, no. 2, 15 July 2002 (2002-07-15), pages 247-253, XP002239198 ISSN: 0022-1007 * the whole document * -----	1-18	C12N5/08
			TECHNICAL FIELDS SEARCHED (Int.Cl.7)
			C12N
<b>INCOMPLETE SEARCH</b>			
<p>The Search Division considers that the present application, or one or more of its claims, does/do not comply with the EPC to such an extent that a meaningful search into the state of the art cannot be carried out, or can only be carried out partially, for these claims.</p> <p>Claims searched completely :</p> <p>Claims searched incompletely :</p> <p>Claims not searched :</p> <p>Reason for the limitation of the search: see sheet C</p>			
Place of search THE HAGUE		Date of completion of the search 24 April 2003	Examiner Teyssier, B
<b>CATEGORY OF CITED DOCUMENTS</b>			
X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document		T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons & : member of the same patent family, corresponding document	





Although claim 13 and, as far as the method is practised in vivo, claims 7, 14 and 15 are directed to methods of treatment of the human body (Article 52(4) EPC), the search has been carried out and based on the alleged effects of the composition.

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Claim(s) searched incompletely:  
5 7 8 12 14 15 18

Reason for the limitation of the search:

The wording "a T cell stimulating agent" of present claim 5 relate to an extremely large number of possible agents while support within the meaning of Article 84 EPC and/or disclosure within the meaning of Article 83 EPC is to be found for only a few agents. The claim so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Consequently, the search has been carried out for those parts of claim 5 which appear to be supported and disclosed, namely those parts relating to the agents of claim 6: antibodies to CD3, CD28, the T cell receptor, MHC peptide complexes binding the T cell receptor, phorbol esters and calcium ionophores.

The wording "an anergic state inducing agent" of present claims 7, 12, 14 and, by reference, claim 15 relate to an extremely large number of possible agents while support within the meaning of Article 84 EPC and/or disclosure within the meaning of Article 83 EPC is to be found for only a few agents. The claim so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Consequently, the search has been carried out for those parts of claims 7, 12, 14 and 15 which appear to be supported and disclosed, namely those parts relating to the agents of claim 8, part (i): CD4+ CD25+ T cells.

The wording "a substance or a mixture of substances mimicking the role of CD4+ CD25+ T cells" of present claim 8, part (ii), relate to a product defined by reference to a desirable property, whereas the application provides neither support within the meaning of Article 84 EPC nor disclosure within the meaning of Article 83 EPC for any such mimicking product. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search is impossible. Independent of the above reasoning, the claims also lack clarity (Article 84 EPC): An attempt is made to define the product by reference to a result to be achieved. Again, this lack of clarity in the present case is such as to render a meaningful search impossible. Consequently, no search has been carried out for part (ii) of claim 8.

The wording "agents binding to defined entities on the Tr1-like regulatory T cells" of present claim 18 relate to an large number of possible markers and thus an extremely large number of possible agents while support within the meaning of Article 84 EPC and/or disclosure within the meaning of Article 83 EPC is to be found for only one single





marker and a few agents. The claim so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Consequently, the search has been carried out for those parts of claim 18 which appear to be supported and disclosed, namely those parts relating to antibodies to the T cell receptor and MHC peptide complexes binding the T cell receptor.

Claim 17 was interpreted as "pharmaceutical compositions comprising the T cells of claim \*16\* '...!'".

